

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Edmond E. Chang	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	11 C 4693	DATE	12/14/2011
CASE TITLE	Peter J. McCloud (R-31479) v. Angus, et al.		

DOCKET ENTRY TEXT:

Plaintiff's motion for leave to proceed *in forma pauperis* [3] is denied. Plaintiff's complaint, which states unrelated claims against different Defendants, is dismissed without prejudice. To proceed with this case, Plaintiff must, within 30 days of the date of this order both: (1) pay the \$350 filing fee and (2) submit an amended complaint in accordance with this order. The clerk shall send to Plaintiff an amended complaint form, along with a copy of this order. Additionally, Plaintiff's motion for appointment of counsel [4] is denied. For details, see the Statement below.

■ [For further details see text below.]
to mail notices.

Docketing

STATEMENT

Plaintiff, Peter J. McCloud (R-31479), an inmate at the Lawrence Correctional Center, has filed this civil rights complaint under 42 U.S.C. § 1983 against seven officers at the DuPage County Jail. Plaintiff's narrative complaint alleges various claims, including excessive force, unsanitary conditions of confinement, and inadequate procedures associated with a disciplinary hearing.

Plaintiff's *in forma pauperis* application shows that his balance at the time he initiated this suit was \$892.77. Because Plaintiff is a prisoner for whom the state provides the necessities of life, such assets do not qualify him for pauper status. 28 U.S.C. § 1915(b); *see also Longbehn v. United States*, 169 F.3d 1082, 1083 (7th Cir. 1999); *Lumbert v. Illinois Department of Corrections*, 827 F.2d 257, 260 (7th Cir. 1987); *Zaun v. Dobbin*, 628 F.2d 990, 993 (7th Cir. 1980). Plaintiff is financially able to pay the \$350 filing fee and must do so if he wishes to proceed with this action. He may pay by check or money order made payable to Clerk, United States District Court. If Plaintiff does not pay the filing fee within 30 days of the date of this order, the court shall enter judgment summarily dismissing this case. *See Brekke v. Morrow*, 840 F.2d 4, 5 (7th Cir. 1988); *see also* N. D. Ill. Local Rule 3.3.

Additionally, Plaintiff's complaint cannot proceed as currently drafted. Plaintiff's narrative description of his incarceration at the DuPage County Jail states several unrelated claims. Plaintiff alleges that he was beaten by one officer; another officer sprayed him with mace; he was placed in a cell with no mattress and urine stains on the wall; and he was disciplined without proper procedures. Plaintiff may not proceed with unrelated claims against different Defendants. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) ("Unrelated claims against different defendants belong in different suits.") Accordingly, the current complaint is dismissed without prejudice. To proceed with this case, Plaintiff must submit an amended complaint that asserts only related claims. If Plaintiff submits an amended complaint, in addition to asserting only related claims, he should more clearly state how each Defendant is involved with each claim. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (a plaintiff need not allege extensive factual details, but he must provide enough information about his claim and the grounds upon which it is based to give each Defendant adequate notice in order to be able to respond).

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STATEMENT (continued)

Plaintiff is advised that an amended complaint replaces a previously-filed complaint in the same case and must stand complete on its own. The Court will refer only to the amended complaint, and not to prior complaints, to determine the claims and Defendants in this case. Therefore, Plaintiff must state in the amended complaint the claims he seeks to raise and the Defendants he seeks to sue in this case. Plaintiff must write both the case number and the judge's name on the amended complaint and return the originally filled out and signed complaint form, as well as a judge's copy and a service copy for each named Defendant, to the Prisoner Correspondent. Plaintiff is advised to keep a copy for his files. Plaintiff may request additional copies of an amended complaint form if needed to provide the Court with a sufficient number of copies.

Therefore, in order for Plaintiff to proceed with this case, within 30 days of the date of this order, he must both: (1) pay the \$350 filing fee and (2) submit an amended complaint in accordance with this order. Failure to comply with this order may construed as Plaintiff's desire not to proceed with this case and will result in summary dismissal of the case. Finally, Plaintiff's motion for appointment of counsel [4] is denied without prejudice. At this time, Plaintiff appears to allege straightforward claims, and the allegations are coherent and comprehensible. Plaintiff may renew the motion as the litigation progresses.